

# Supreme Court Justices on Their Book-Reading, 1948-49

*John Q. Barrett\**

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In fall 1948, Justice Robert H. Jackson received a “Dear Bob” letter from his friend Walter P. Armstrong, Sr., a prominent attorney in Memphis, Tennessee, and nationally.<sup>1</sup> Jackson and Armstrong had met in their younger years and become friends through bar association activities. Armstrong, then 63 years old, was an active and successful trial lawyer (as Jackson, then age 56, also had been), a former president of the American Bar Association (as Jackson might well have become, if his path had not turned from private practice to government service) and a prolific writer (as Justice Jackson, of course, then still was). Armstrong served on the board of editors of the AMERICAN BAR ASSOCIATION JOURNAL and regularly wrote its *Books for Lawyers* column.

Walter Armstrong’s letter to Justice Jackson advanced the idea that ABA JOURNAL readers would be interested in “a short story about what the Justices of [the Supreme] Court are reading.” Armstrong also sought Jackson’s advice:

Do you think that it would be any impropriety in my writing to each of the Justices along this line? I should, of course, like comments on some of the books, if they cared to make them, but this is not necessary.

Armstrong mentioned that he did not think his idea would offend the Justices because he recalled seeing “something of this kind from some of them” in the SATURDAY REVIEW OF LITERATURE. He added that he already

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For a selected archive of Jackson List postings, see my homepage at [www.law.stjohns.edu](http://www.law.stjohns.edu). To subscribe to the Jackson List, which does not display recipient identities or distribute their email addresses, send a note to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

<sup>1</sup> See Letter from Walter P. Armstrong to Honorable Robert H. Jackson, Oct. 11, 1948, in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C. (“RHJ LOC”), Box 9, Folder 9.

had written to his “old friend” Justice Stanley Reed, who had responded by sending a lists of books he had read.

Within a week, Justice Jackson dictated and sent back to Armstrong a candid, if less than enthusiastic, reply:

My dear Walter:

I have read with great interest your reviews in the *BAR ASSOCIATION JOURNAL* and have envied you the time and opportunity to do so much reading.

I do not think there is any impropriety in writing to the Justices asking them what they are reading, but I am not sure how fruitful it would be. I never answered the *SATURDAY REVIEW OF LITERATURE*'s request for a list of my books, partly because the lists supplied by some others that I knew sounded to me completely phony. I knew something of the amount of time available to them and their reading habits, and I bet you a new hat that some of them could not pass an examination on one of the books they listed. One of the lists was so pious that it reminded me of [Justice Oliver Wendell] Holmes, who was leaving for a summer vacation and someone asked him what he going to read during the summer. He replied, “Nothing uplifting.” But I think Holmes told the truth.

The fact is that I did more reading while I was practicing law in upstate New York than I have ever done in Washington. There is very little time for it and in the present job, when you have read all that is required to be read in order to do your job, you need a change. Your eyes will only stand so much. It is readily demonstrable that no judge on this bench can read all of the records and briefs of the cases he passes on and he has to select with care which ones he will give his time to.

If I should give a list of the books I have dipped into, it would be long and impressive. If I should give you a list of the books I have actually read thoroughly, it would be short and disappointing. I presumed on our longstanding friendship to be very candid about this business and if you decide to take the matter up with each of the judges, I will not decline to answer—but my answer will be something along the lines of this letter.

With all good wishes,

Sincerely yours,

[/s/ Bob]<sup>2</sup>

Armstrong, undeterred by Jackson's letter, went ahead with his survey. He sent inquiries about book-reading to the seven other Justices who were serving on the Supreme Court with Reed and Jackson: Chief Justice Fred M. Vinson and Associate Justices Hugo L. Black, Felix Frankfurter, William O. Douglas, Wiley B. Rutledge, Frank Murphy and Harold H. Burton.

Armstrong also, after a few more months had passed, wrote again to Jackson, offering reassurance about the project and seeking his cooperation:

Dear Bob:

You were very kind to answer my letter ... and I can understand your feeling about it fully. I fear, however, that I really gave the wrong impression in my letter.... I realize, of course, that neither you nor probably any one of the Justices has time to do much thorough extra-curricular reading. I had in mind really the books in which you were interested and into which you had dipped, and certainly will not convey the impression that you claim to have read all of them thoroughly.

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<sup>2</sup> Letter from Robert H. Jackson to Walter P. Armstrong, Oct. 18, 1948, in RHJ LOC, Box 9, Folder 9.

I have written all the Justices and have heard from all of them except the Chief Justice and Mr. Justice Murphy, whose secretary has written me that he is ill and will reply on his return. In view of this I really should like to have you mention some of the books in which you have recently been interested and into which you have looked. I feel I could make something interesting out of this, and I think it would help humanize the Court and the Justices among the lawyers who do not have many contacts with either the Court or its members.

With best regards, I am,

Very sincerely yours,

/s/ Walter<sup>3</sup>

Jackson took some more time to respond but eventually, obviously reassured that Armstrong was not planning to publish a phony account of judicial erudition, sent a substantive reply:

My dear Walter:

...

I have delayed answering your letter about my reading. I don't mind telling you some of the books that I more or less dip into, but I should not want you to intimate that I get to do a very thorough job of reading these days. I regret that I cannot. But here is some of the story.

I am trying to read with some care Andrei Vishinsky's book, *THE LAW OF THE SOVIET STATE*, because of my interest in Soviet law aroused by working with Soviet lawyers at Nürnberg. In connection with it I go back from time to time to the book by [Judah] Zelitch, *SOVIET ADMINISTRATION OF*

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<sup>3</sup> Letter from Walter P. Armstrong to Honorable Robert H. Jackson, Jan. 18, 1949, in RHJ LOC, Box 9, Folder 9.

CRIMINAL LAW, published in 1931, to see whether the line has changed.

I have also been picking up from time to time PHYSICS AND POLITICS, by Walter Bagehot, which makes me especially regretful that I haven't time for more reading, and the RECOLLECTIONS of [John] Viscount Morley. I have read some of Toynbee and laid him down, because I find he is one that everybody has on his desk and nobody reads more than a few chapters. I think there is more faking about having read his book than any I have known. Also, I have picked up Bertrand Russell's EDUCATION AND THE GOOD LIFE and Ralph Barton Perry's PURITANISM AND DEMOCRACY, and Harold Laski's THE AMERICAN DEMOCRACY.

I also have frequent occasion to look into THE STRUGGLE FOR JUDICIAL SUPREMACY, by my favorite author, because somebody cites it for some proposition that I never thought it stood for and I have to check up on myself.

The fact is that there ought to be a sabbatical year prescribed for Supreme Court Justices to be devoted entirely to reading up on the facts of life.

With best wishes, I am

Sincerely yours,

[/s/ Bob]<sup>4</sup>

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Jackson's letter was Armstrong's missing piece. He had, in the meantime, received reading lists from Chief Justice Vinson and Justice

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<sup>4</sup> Letter from Robert H. Jackson to Walter P. Armstrong, Mar. 1, 1949, in RHJ LOC, Box 9, Folder 9.

Murphy. Using Justice Jackson's information, Armstrong finished drafting his proposed article and then wrote back to Jackson:

I am glad you gave me the reference to some of your books, because I have now heard from all of the Justices, and I enclose a copy of the article which I have prepared. I would not want to quote from your personal letters without your consent, but it seems to me that the quotations are certainly innocuous and I believe will enlist reader interest.

If I do not hear from you I shall assume that you have no objection, and shall release the article for publication in the JOURNAL.

...

P.S.—It required considerable restraint not to quote what you said about who was your “favorite author.”<sup>5</sup>

Jackson did not object. Armstrong's article, *What Do the Justices Read? Books of Interest to Supreme Court Members*, was published in the April 1949 ABA JOURNAL.<sup>6</sup> His prose included contextual information, descriptions and careful qualifications—including Jackson's confession to doing much more book-“dipping” than book-reading—regarding each Justice. Armstrong also listed, however, the specific books that each Justice had volunteered as his recent reading:

Chief Justice Fred M. Vinson

- CHARLES WARREN, THE SUPREME COURT IN UNITED STATES HISTORY
- ALBERT J. BEVERIDGE, LIFE OF JOHN MARSHALL
- JOHN WINSTON COLEMAN, STAGE-COACH DAYS IN THE BLUE GRASS; BEING AN ACCOUNT OF STAGE-COACH TRAVEL AND TAVERN DAYS IN LEXINGTON AND CENTRAL KENTUCKY, 1800-1900

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<sup>5</sup> Letter from Walter P. Armstrong to Honorable Robert H. Jackson, Mar. 5, in RHJ LOC, Box 9, Folder 9.

<sup>6</sup> See Walter P. Armstrong, *What Do the Justices Read? Books of Interest to Supreme Court Members*, 35 A.B.A. J. 295-98 (1949).

- CORDELL HULL, THE MEMOIRS OF CORDELL HULL
- ROBERT E. SHERWOOD, ROOSEVELT AND HOPKINS
- WESLEY MCCUNE, THE NINE YOUNG MEN
- HORACE EDGAR FLACK, ADOPTION OF THE FOURTEENTH AMENDMENT
- JOHN MORLEY, LIFE OF WILLIAM EWART GLADSTONE
- CARL SANDBURG, ABRAHAM LINCOLN: THE PRAIRIE YEARS
- CARL SANDBURG, ABRAHAM LINCOLN: THE WAR YEARS
- DOUGLAS SOUTHALL FREEMAN, R.E. LEE, A BIOGRAPHY
- DOUGLAS SOUTHALL FREEMAN, LEE'S LIEUTENANTS
- CHARLES FAIRMAN, MR. JUSTICE MILLER AND THE SUPREME COURT
- ALPHEUS THOMAS MASON, BRANDEIS: A FREE MAN'S LIFE
- OTHER WORKS ON BRANDEIS BY ALPHEUS T. MASON
- BENJAMIN NATHAN CARDOZO'S VARIOUS WORKS AND LECTURES
- LLOYD PAUL STRYKER, FOR THE DEFENSE: THOMAS ERSKINE: THE MOST ENLIGHTENED LIBERAL OF HIS TIMES, 1750-1823
- ROSCOE POUND'S VARIOUS WORKS AND LECTURES
- ERLE STANLEY GARDNER'S PERRY MASON STORIES

Justice Stanley Reed's "past vacation reading"

- W. FRIEDMANN, LEGAL THEORY
- KARL N. LLEWELLYN, THE BRAMBLE BUSH
- DAVID ABRAHAMSEN, CRIME AND THE HUMAN MIND
- R.N. CRAIG & OTHERS, MENTAL ABNORMALITY AND CRIME

- SELIGER, LUKAS & LINDNER, CONTEMPORARY CRIMINAL HYGIENE, A SOURCE BOOK
- ALBERT CAMUS, THE PLAGUE (TRANSLATED BY S. GILBERT)
- HAROLD LASKI, THE AMERICAN DEMOCRACY
- SUMNER WELLES, WE NEED NOT FAIL
- DUNCAN AIKMAN, THE TURNING STREAM
- JOSEF STALIN, LENINISM
- DANIEL DRAKE, PIONEER LIFE IN KENTUCKY

Justice Hugo L. Black's "books ... most recently read"

- CARL SANDBURG, REMEMBRANCE ROCK
- WALTER WHITE, A MAN CALLED WHITE
- C. HERMAN PRITCHETT, THE ROOSEVELT COURT: A STUDY IN JUDICIAL POLITICS AND VALUES, 1937-1947

Justice Black's books read "during the last year"

- ARNOLD J. TOYNBEE, A STUDY OF HISTORY
- CECIL HERBERT DRIVER, TORY RADICAL: THE LIFE OF RICHARD OASTLER
- GIFFORD PINCHOT, BREAKING NEW GROUND
- LLOYD PAUL STRYKER, FOR THE DEFENSE: THOMAS ERSKINE: THE MOST ENLIGHTENED LIBERAL OF HIS TIMES, 1750-1823
- THOMAS JEFFERSON WERTENBAKER, PURITAN OLIGARCHY: THE FOUNDING OF AMERICAN CIVILIZATION
- ELIOT'S DEBATES
- PLUTARCH'S LIVES
- SOME OF SHAKESPEARE'S PLAYS

Justice Felix Frankfurter

- GEORGE W. KEETON & GEORG SCHWARZENBERGER, JEREMY BENTHAM AND THE LAW
- HAROLD J. LASKI, THE AMERICAN DEMOCRACY
- ALFRED E. COHN, NO RETREAT FROM REASON AND OTHER ESSAYS
- ARCHIBALD MACLEISH, ACTFIVE AND OTHER POEMS
- WALTER BAGEHOT, ESSAYS
- WILLIAM HAZLITT, ESSAYS
- SIR JOHN MAYNARD, RUSSIA IN FLUX



- SIR JOHN MAYNARD, THE RUSSIAN PEASANT
- MAX BELOFF, EDITION OF THE FEDERALIST WITH INTRODUCTION AND NOTES
- SUMNER WELLES, WE NEED NOT FAIL
- THE JOURNAL OF CRIMINAL SCIENCE, EDITED BY L. RADZINOWICZ & J.W.C. TURNER
- DOUGLAS SOUTHALL FREEMAN, YOUNG WASHINGTON: A SELECTION FROM GEORGE WASHINGTON, A BIOGRAPHY
- DUMAS MALONE, JEFFERSON THE VIRGINIAN
- LEO PAGE, THE SENTENCE OF THE COURT
- INTERNATIONAL COMMITTEE OF THE HOWARD LEAGUE FOR PENAL REFORM, LAWLESS YOUTH, A CHALLENGE TO THE NEW EUROPE: A POLICY FOR THE JUVENILE COURTS
- HENRY L. STIMSON & MCGEORGE BUNDY, ON ACTIVE SERVICE IN PEACE AND WAR
- ROBERT E. SHERWOOD, ROOSEVELT AND HOPKINS
- WINSTON CHURCHILL, THE GATHERING STORM
- LORD MACAULAY'S LEGISLATIVE MINUTES, SELECTED WITH A HISTORICAL INTRODUCTION, EDITED BY C.D. DHARKER
- JEREMY BENTHAM'S THE LIMITS OF JURISPRUDENCE DEFINED, EDITED BY CHARLES WARREN EVERETT
- CHRISTOPHER HOBHOUSE, FOX
- G. LOUIS JOUGHIN & EDMUND M. MORGAN, THE LEGACY OF SACCO AND VANZETTI

Justice William O. Douglas

- RODERICK L. HAIG-BROWN, A RIVER NEVER SLEEPS
- DONALD CULROSS PEATTIE, FLOWERING EARTH: WOOD ENGRAVINGS
- BEN HUR LAMPMAN, THE COMING OF THE POND FISHES: AN ACCOUNT OF THE INTRODUCTION OF CERTAIN SPINY-RAYED FISHES, AND OTHER EXOTIC SPECIES, INTO THE WATERS OF THE LOWER COLUMBIA RIVER REGION AND THE PACIFIC COAST STATES
- MARTHA HARDY, TATOOSH
- WILLIAM VOGT, ROAD TO SURVIVAL
- GIFFORD PINCHOT, BREAKING NEW GROUND
- THEODOR REIK, LISTENING WITH THE THIRD EAR: THE INNER EXPERIENCE OF A PSYCHOANALYST

- CARL SANDBURG, REMEMBRANCE ROCK
- MAURICE HINDUS, IN SEARCH OF A FUTURE: PERSIA, EGYPT, IRAQ AND PALESTINE

Justice Frank Murphy

- HILAIRE BELLOC, THE PATH TO ROME
- RONALD A. KNOX, THE BELIEF OF CATHOLICS
- RONALD A. KNOX, A SPIRITUAL AENEID
- MARGARET T. MANRO, A BOOK OF UNLIKELY SAINTS
- HILAIRE BELLOC, SURVIVALS AND NEW ARRIVALS
- ARNOLD LUNN, NOW I SEE
- HERBERT ELLSWORTH CORY, THE EMANCIPATION OF A FREETHINKER
- WILLIAM ALLEN WHITE, WOODROW WILSON: THE MAN, HIS TIMES, AND HIS TASK
- S. E. MORISON & HENRY STEELE COMMAGER, THE GROWTH OF THE AMERICAN REPUBLIC
- PAUL CLAUDEL, LETTERS TO A DOUBTER
- JACQUES MARITAIN & J. COCTEAU, ART AND FAITH
- THOMAS JEFFERSON WERTENBAKER, PURITAN OLIGARCHY: THE FOUNDING OF AMERICAN CIVILIZATION
- ELEANOR MEDILL PATTERSON, GLASS HOUSES, BY COUNTESS ELEANOR GIZYCKA
- JOHN RUSKIN, THE STONES OF VENICE
- GEORGE SALMON, A HISTORICAL INTRODUCTION TO THE STUDY OF THE BOOKS OF THE NEW TESTAMENT
- BACON'S ESSAYS
- HELEN LANDRETH, THE PURSUIT OF ROBERT EMMET
- J.H. MCFARLAND & OTHERS, GARDEN FLOWERS IN COLOR
- OTTO KARRER, ST. FRANCIS OF ASSISI
- AVERY DULLES, A TESTIMONIAL TO GRACE
- RUDYERD BOULTON, TRAVELING WITH THE BIRDS: A BOOK ON BIRD MIGRATION
- CORDELL HULL, THE MEMOIRS OF CORDELL HULL

- PROF. WILLIAM GREEN, THE DIALOGUES OF PLATO

Justice Robert H. Jackson

- ANDREI Y. VISHINSKY, THE LAW OF THE SOVIET STATE
- JUDAH ZELITCH, SOVIET ADMINISTRATION OF CRIMINAL LAW
- WALTER BAGEHOT, PHYSICS AND POLITICS
- VISCOUNT JOHN MORLEY, RECOLLECTIONS
- ARNOLD J. TOYNBEE, A STUDY OF HISTORY
- BERTRAND RUSSELL, EDUCATION AND THE GOOD LIFE
- RALPH BARTON PERRY, PURITANISM AND DEMOCRACY
- HAROLD J. LASKI, THE AMERICAN DEMOCRACY
- ROBERT H. JACKSON, THE STRUGGLE FOR JUDICIAL SUPREMACY

Justice Wiley B. Rutledge

- CARL SANDBURG, ABRAHAM LINCOLN
- DOUGLAS FREEMAN, GEORGE WASHINGTON
- ALPHEUS T. MASON, BRANDEIS: A FREE MAN'S LIFE
- FRANCES PERKINS, THE ROOSEVELT I KNEW
- HERNDON'S LINCOLN

Justice Rutledge's "list"

- HENRY L. STIMSON & MCGEORGE BUNDY, ON ACTIVE SERVICE IN PEACE & WAR
- CARL SANDBURG, REMEMBRANCE ROCK

Justice Harold H. Burton

- FELIX FRANKFURTER, MR. JUSTICE HOLMES
- FELIX FRANKFURTER & JAMES M. LANDIS, THE BUSINESS OF THE SUPREME COURT
- FELIX FRANKFURTER & JAMES M. LANDIS, SUPPLEMENTS TO THE BUSINESS OF THE SUPREME COURT
- FELIX FRANKFURTER, DISTRIBUTION OF JUDICIAL POWER BETWEEN U.S. AND STATE COURTS
- ROBERT H. JACKSON, FULL FAITH & CREDIT
- CHARLES EVANS HUGHES, THE SUPREME COURT OF THE UNITED STATES
- FELIX FRANKFURTER, SOME REFLECTIONS ON THE READING OF STATUTES

- OLIVER WENDELL HOLMES, THE COMMON LAW
- BENJAMIN R. CURTIS, LIFE & WRITINGS OF JUSTICE BENJAMIN R. CURTIS
- BENJAMIN R. CURTIS, COURTS OF THE UNITED STATES
- MISCELLANEOUS WRITINGS OF THE LATE HON. JOSEPH P. BRADLEY, BY CHARLES BRADLEY
- CATHERINE D. BOWEN, YANKEE FROM OLYMPUS
- BRUCE R. TRIMBLE, CHIEF JUSTICE WAITE
- HENRY FLANDERS, LIFE OF JOHN MARSHALL
- CARL B. SWISHER, ROGER B. TANEY
- WESLEY MCCUNE, THE NINE YOUNG MEN
- GEORGE CREEL, WAR CRIMINALS & PUNISHMENT
- T.J. NORTON, CONSTITUTION OF THE UNITED STATES
- CHARLES WARREN, THE SUPREME COURT IN UNITED STATES HISTORY
- HAROLD HARPER, CIVIL PRACTICE IN THE FEDERAL COURTS
- GERARD C. HENDERSON, THE POSITION OF FOREIGN CORPORATIONS IN AMERICAN CONSTITUTIONAL LAW
- SHELDON GLUECK, THE NUREMBERG TRIAL & AGGRESSIVE WAR
- GEORGE J. THOMPSON, THE DEVELOPMENT OF THE ANGLO-AMERICAN JUDICIAL SYSTEM
- BEIRNE STEDMAN, PATENTS
- GEORGE E. FOLK, PATENTS & INDUSTRIAL PROGRESS
- FRANK ALBERT FETTER, THE MASQUERADE OF MONOPOLY
- RANDOLPH E. PAUL, FEDERAL ESTATE & GIFT TAXATION
- ZACHARIAH CHAFEE, JR., FREE SPEECH IN THE UNITED STATES
- A.T. CARTER, A HISTORY OF THE ENGLISH COURTS

Justice Burton's reading "not so much related to law"

- IRVING STONE, THEY ALSO RAN
- IRVING STONE, IMMORTAL WIFE
- JOHN GOULD, FARMER TAKES A WIFE
- ELINOR S. SMITH, PO-HO-NO & THE LEGENDS OF YOSEMITE
- LINNIE M. WOLFE, SON OF THE WILDERNESS
- WALTER FRY & J. R. WHITE, BIG TREES
- GEORGE DEMETRIOS, WHEN GREEK MEETS GREEK
- FRIEDRICH SCHILLER, WILHELM TELL
- HANS HUBER, HOW SWITZERLAND IS GOVERNED

- WILLIAM E. RAPPARD, THE GOVERNMENT OF SWITZERLAND
- JOHN ADDINGTON SYMONDS, OUR LIFE IN THE SWISS HIGHLANDS
- VIRGINIA LEE BURTON, ROBINHOOD BALLETS, ILLUSTRATED
- CORYDON BELL, COME SNOW FOR CHRISTMAS
- ROGER BUTTERFIELD, THE AMERICAN PAST
- GEORGE R. BROWN, WASHINGTON, A NOT TOO SERIOUS HISTORY
- JOSHUA L. LIEBMAN, PEACE OF MIND
- ONE HUNDRED YEARS OF COMMUNISM (1848-1948), REPORT OF THE HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FOREIGN AFFAIRS
- ARNOLD J. TOYNBEE, A STUDY OF HISTORY
- ROBERT HERRICK, THE MASTER OF THE INN
- KATHERINE T. MARSHALL, TOGETHER, ANNALS OF AN ARMY WIFE
- ALICE FREEMAN PALMER, THE MARRIAGE CYCLE (POEMS)
- CORYDON BELL, LIKE THE DOWN OF A THISTLE

Justice Burton's "waiting to be read"

- WILLIAM SEAGLE, MEN OF LAW, FROM HAMMURABI TO HOLMES
- EDMUND FULLER, INTRODUCTION BY ROSCOE POUND, LAW IN ACTION
- ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA
- J.G. RANDALL, LINCOLN, THE PRESIDENT
- SELECTED WRITINGS OF BENJAMIN N. CARDOZO, EDITED BY MARGARET HALL
- CHARLES WARREN, THE MAKING OF THE CONSTITUTION
- ALPHEUS T. MASON, BRANDEIS: A FREE MAN'S LIFE
- H.E. FLOCK, THE ADOPTION OF THE FOURTEENTH AMENDMENT

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After Armstrong's article was published, he and Jackson had one more exchange of letters. Armstrong reported in May 1949 that he had "received a great many letters about the article." Enclosing some retyped excerpts, he suggested to Jackson that he might, after reading them, "show them to Stanley Reed, if he is interested. I suppose you and he still

occasionally confab, notwithstanding the *Terminiello* case,” a then-recent, high profile freedom of speech decision in which Reed had joined the Court’s opinion and Jackson was one of four dissenters.<sup>7</sup> These excerpts included:

From a Federal Court of Appeals Judge:

Judging from my own experiences and predilections, I suspect that the august Justices are bragging a little about their adventures into classic and scientific literature, and are also soft-pedaling their indulgence in ‘Who-Dunits’.

From someone in Washington whom I [Armstrong] do not know:

I read with great interest your illuminating article on what books interest Supreme Court members. It is a most revealing article. No one, however, seems to have read the Kinsey Report. Does this mean that we really have Nine Old Men on the Court?

From a Southern Lawyer:

I recognize that any attempt on the part of yourself to draw conclusions from the reading list would have been most dangerous, and probably not very politic. At the same time the article is certainly conducive of a good deal of thought, and I must confess that I came to some rather definite conclusions myself, although I am frank to admit that perhaps these conclusions were colored by my own personal prejudices concerning some of the Judges.

One of the things that struck me most forcibly was the fact that I tried a little experiment with two of the Judges whom I think stand at opposite extremes of political thought, to-wit, Justice Jackson and Justice Douglas, and without giving the names of the Judges, I asked someone whom I consider a competent critic to tell me which of those two read which list, and was gratified to see that the person got the list exactly backward. It was enlightening, I

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<sup>7</sup> See *Terminiello v. City of Chicago*, 337 U.S. 1 (decided May 16, 1949).

think, to find out that Mr. Justice Jackson, for example, who is considered on the conservative side of the bench, had really done a good deal more reading, and is therefore a bit more familiar with the views and concepts expressed by that school of thought to which he is supposed to be opposed. It may, of course, be that Mr. Justice Douglas has already read these books and did not list them, but then again, the contrary might be true.

From a professor of one of the leading Eastern universities:

The lists are very revealing, especially those of Burton and Murphy—the former’s indicating a determination to achieve permanent grounding in his work, the latter’s the desire to get away from the task at hand.<sup>8</sup>

Jackson wrote back promptly. Keeping any comments to himself, he merely thanked Armstrong for “sending ... some of the comments on the reading lists. They are certainly amusing and I am passing them on to Stanley.”<sup>9</sup>

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<sup>8</sup> Letter from Walter P. Armstrong to Honorable Robert H. Jackson, May 19, 1949, with two pages of typed excerpts from letters that Armstrong had received, in RHJ LOC, Box 9, Folder 9.

<sup>9</sup> Letter from Robert H. Jackson to Walter P. Armstrong, May 23, 1949, in RHJ LOC, Box 9, Folder 9.

How are Supreme Court Justices selected? The President nominates someone for a vacancy on the Court and the Senate votes to confirm the nominee, which requires a simple majority. In this way, both the Executive and Legislative Branches of the federal government have a voice in the composition of the Supreme Court. Are there qualifications to be a Justice? Do you have to be a lawyer or attend law school to be a Supreme Court Justice? The Constitution states that Justices "shall hold their Offices during good Behaviour." This means that the Justices hold office as long as they choose and can only be removed from office by impeachment. Has a Justice ever been impeached? The only Justice to be impeached was Associate Justice Samuel Chase in 1805.



